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11/15

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/741,616   | 12/19/2000  | Lizy Kurian John     | 119927-1040             | 5809             |
| 7590   | 08/30/2004  |                      |                         | EXAMINER         |
| Sanford E. Warren, Jr.<br>Gardere Wynne Sewell LLP<br>Suite 3000<br>1601 Elm Street<br>Dallas, TX 75201-4761 |             |                      | PAN, DANIEL H           |                  |
|  |             |                      | ART UNIT                | PAPER NUMBER     |
|  |             |                      | 2183                    |                  |
|  |             |                      | DATE MAILED: 08/30/2004 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/741,616             | JOHN ET AL.         |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Daniel Pan             | 2183                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 May 2004.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-37 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04 September 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

1. Claims 1-37 remain for examination.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,8-10,12-21,23-27,31,35-37 are rejected under 35 U.S.C. 102(a) and

(b) as being anticipated by Nakagawa (5,651,12).

3. As to the amended feature of "processor resource" (see e.g. claim 1), the scope of the amended feature is the same as the original scope. For example, the language "processor resource" is applicable to any type of resource , for example, memory, register, or instruction, etc used by processor. No specific structure or format of the processor is being recited in the claim, therefore, it is being treated as any resource in a processing system in general sense.

4. Claims 3,4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta (5,490,280) .

5. Claims 3,4 , have not been changed.

6. Claims 5,6,7,22,28,29,32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa (5,651,12) in view of Williams et al. (5,530,837).

7. Claims 5,6,7,22,28,29,32-34 have not been changed.

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8. Claims 11,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa (5,651,12) in view of Kondo et al..( 6,389,562)

9. Claims 11,30 have not been changed.

10. The rejections are maintained and incorporated by reference the last Office action on 11/25/03.

11. The response filed on 05/24/04 has been fully considered but is not persuasive.

12. In the remarks, applicant argued that :

a) Nakagawa did not teach the generation of resource identifiers corresponding to one of processor resources;

b) Nakagawa's random counter does not select an identifier from one or more identifiers .

13. As to a), Nakagawa taught a generation of resource identifiers corresponding to a processor resource [memory location] (e.g. see col.7, lines 25-29). The Nakagawa generated program addresses corresponding to locations in an instruction memory. The locations in the instruction memory are processor resources because instructions are being used by the processor.

14. As to b) above, Nakagawa disclosed a random generator (see fig.3) which included plurality of selectors for selecting an identifier [address of an instruction] in , col.7, lines 25-29) from one or more identifiers ( see a series of random numbers by

the selectors in col.7, lines 33-58) allocated to the instruction (i.e. outputting of instruction address for a given instruction).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*21 Century Strategic Plan*

DALIN H. PAN  
PHOTOGRAPHY EXAMINER  
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